

REMARKS

In response to the examiner's final rejection letter of November 2, 2006, allowing claim 4 and rejecting claims 1-3, 5-14 and 18-22, applicant hereby amends the claims as shown on the attached sheets by cancelling all rejected claims (claims 1-3, 5-14 and 18-22) and leaving claim 4 in allowable condition as indicated by the examiner.

New claims 23-29 are also properly submitted for consideration and entry after the final office action Pursuant to M.P.E.P. § 714.13. As new claims 23-29 are each directly or indirectly dependent upon allowed claim 4, they include all of the limitations of claim 4 and are, therefore, also believed to be allowable over the prior art of record as previously determined by the examiner in his letters of May 5th and November 2nd, 2006. Thus, their introduction is not believed to raise issues of new matter or present new issues requiring further consideration and/or search by the examiner.

Moreover, each claims subject matter previously considered within one or more of rejected claims 1-3, 5-14 and 18-22 as depending directly or indirectly upon independent claims 1 or 6, which have been rejected over new prior art cited in the examiner's final rejection letter of November 2, 2006 (Cromer et al, US Pat. No. 6381636). Prior to said new prior art rejection, they were not ripe for earlier presentment. They are now presented as dependent upon allowed claim 4 and, thus, are also believed to be allowable commensurate with the examiner's final rejection letter of November 2, 2006.

Thus, new claims 23-29 are believed properly entered pursuant to 37 CFR § 1.116 (b)(1) or, in the alternative, pursuant to 37 CFR § 1.116 (b)(3).

Claim Rejections – 35 USC § 103

Claims 1-3, 5 and 18-22 stand rejected under 35 USC 103(a) as being unpatentable over O'Connor (US Reissued Pat. No. RE38,762) in view of Cromer et al, (US Pat. No. 6381636).

Claims 1-3, 5 and 18-22 have been cancelled.

Claim 6 stands rejected under 35 USC 103(a) as being unpatentable over Paul (US Pat. No. 5991875) in view of Cromer et al, (US Pat. No. 6381636). Claim 6 has been cancelled.

Claims 7-14 stand rejected under 35 USC 103(a) as being unpatentable over Paul (US Pat. No. 5991875) and Cepulis (US Pat. No. 6961791) in view of Cromer et al, (US Pat. No. 6381636). Claims 7-14 have been cancelled.

Double Patenting

Claims 6-12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-6 of co-pending application Serial No. 10/748,937 in view of Cromer et al, (US Pat. No. 6381636). Claims 6-12 have been cancelled, and the need for a terminal disclaimer or other filing or response is believed to be obviated.

Claims 6-8, 10 and 11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 6-9 of co-pending application Serial No. 10/748,630 in view of Cromer et al, (US Pat. No. 6381636). Claims 6-8, 10 and 11 have been cancelled; and, moreover, claims 6-9 of co-pending application Serial No. 10/748,630 have been cancelled by applicant in an amendment filed in that case dated October 16, 2006. Thus, the need for a terminal disclaimer or other filing or response is believed to be obviated.

Request for Withdrawal of Terminal Disclaimer

Applicant hereby timely requests pursuant to M.P.E.P. § 1490 (more specifically part VII thereof) that the examiner withdraw the terminal disclaimer filed on August 4, 2006, prior to allowance and issuance of the present case. Said terminal disclaimer was filed on August 4, 2006 in response to the examiner's office action letter of May 5, 2006 provisionally rejecting claims 6-8, 10, 11 and 13 on the grounds of nonstatutory obviousness-type double patenting over claims 4-8 and 11 of co-pending application Serial No. 10/748,431; provisionally rejecting claims 6-12 and 14-17 on said nonstatutory obviousness-type double patenting ground over claims 1-6 of said co-pending application Serial No. 10/748,431; and provisionally rejecting claims 6-8, 10 and 11 on said nonstatutory obviousness-type double patenting over claims 6-9 of said co-pending application Serial No. 10/748,431.

As claims 6-17 have all been cancelled, the need for said terminal disclaimer has been obviated, and applicant requests that the examiner withdraw the terminal disclaimer filed on August 4, 2006 prior to issuance pursuant to this communication.

Alternatively, if the examiner cannot withdraw the terminal disclaimer filed on August 4, 2006 without the filing of a petition under 37 CFR 1.182, then this communication shall also be deemed a petition under 37 CFR 1.182 for withdrawal the terminal disclaimer filed on August 4, 2006, and in that event the Commissioner is authorized to charge Deposit Account 500645 for the required fee set forth in 37 CFR § 1.17(f) and for any other required fee.

Allowable Subject Matter

Claim 4 is allowed in the examiner's final rejection letter of November 2, 2006.

Conclusion

For the above reasons, each of the claims now in the application is distinguishable one from the other and over the prior art. Therefore, issuance of a notice of allowance of the claims is respectfully requested.

Respectfully submitted,

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